

ESTTA Tracking number: **ESTTA497396**

Filing date: **10/01/2012**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

Opposer Information

Name	Levi Strauss & Co.
Granted to Date of previous extension	09/30/2012
Address	1155 Battery Street San Francisco, CA 94111 UNITED STATES

Attorney information	Marie C. Seibel, Esq. Kilpatrick Townsend & Stockton 2 Embarcadero Center, 8th Floor San Francisco, CA 94111 UNITED STATES mseibel@kilpatricktownsend.com, choffman@kilpatricktownsend.com, aphillips@kilpatricktownsend.com Phone:415-576-0200
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Applicant Information

Application No	85450089	Publication date	04/03/2012
Opposition Filing Date	10/01/2012	Opposition Period Ends	09/30/2012
Applicant	Tillmon, Corrina Suite 14 1539 Sawtelle Blvd. Los Angeles, CA 90025 UNITED STATES		

Goods/Services Affected by Opposition

Class 025. All goods and services in the class are opposed, namely: Athletic apparel, namely, shirts, pants, jackets, footwear, hats and caps, athletic uniforms; Athletic shoes; Bathing suits; Belts; Blouses; Boots; Boxer shorts; Caps; Children's and infant's apparel, namely, jumpers, overall sleepwear, pajamas, rompers and one-piece garments; Children's headwear; Coats; Collared shirts; Dresses; Footwear for men and women; Hats; Headbands; Headwear; Hooded sweat shirts; Jackets; Jeans; Lingerie; Nightwear; Pajamas; Pants; Rain coats; Rain hats; Robes; Scarves; Shirts and short-sleeved shirts; Shoes; Shorts; Skirts; Sneakers; Socks; Sweat pants; Sweat shirts; Sweaters; Swimwear; T-shirts; Underwear; Vests; Wristbands

Grounds for Opposition

False suggestion of a connection	Trademark Act section 2(a)
Priority and likelihood of confusion	Trademark Act section 2(d)
Dilution	Trademark Act section 43(c)

Marks Cited by Opposer as Basis for Opposition

U.S. Registration No.	1552985	Application Date	10/24/1988
Registration Date	08/22/1989	Foreign Priority Date	NONE
Word Mark	501		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 025. First use: First Use: 1893/00/00 First Use In Commerce: 1898/00/00 JEANS		

U.S. Registration No.	1313554	Application Date	08/22/1983
Registration Date	01/08/1985	Foreign Priority Date	NONE
Word Mark	505		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 025. First use: First Use: 1983/06/27 First Use In Commerce: 1983/06/27 Pants		

U.S. Registration No.	1319462	Application Date	08/22/1983
Registration Date	02/12/1985	Foreign Priority Date	NONE
Word Mark	517		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 025. First use: First Use: 1983/06/27 First Use In Commerce: 1983/06/27 Pants		

U.S. Registration No.	2503976	Application Date	10/17/2000
Registration Date	11/06/2001	Foreign Priority Date	NONE
Word Mark	569		

Design Mark	569
Description of Mark	NONE
Goods/Services	Class 025. First use: First Use: 1998/05/00 First Use In Commerce: 1998/05/00 Jeans and pants

Attachments	76150442#TMSN.gif (1 page)(bytes) 89070_830376_NOTICE OF OPPOSITION.pdf (11 pages)(273335 bytes)
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Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/marie c seibel/
Name	Marie C. Seibel, Esq.
Date	10/01/2012

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In re Application No. 85/450,089
Filed: October 18, 2011
Published: April 3, 2012, in the *Official Gazette*
For: **515 LOVE & design**

LEVI STRAUSS & CO.,

Opposer,

vs.

CORRINA TILLMON,

Applicant.

Opposition No. _____

NOTICE OF OPPOSITION

UNITED STATES PATENT AND TRADEMARK OFFICE

Trademark Trial and Appeal Board

P.O. Box 1451

Alexandria, Virginia 22313-1451

Sir or Madam:

Levi Strauss & Co. ("Opposer" or "LS&Co.") believes it will be damaged by the registration of the 515 LOVE & design mark covered by Application Serial No. 85/450,089, filed on October 18, 2011, by Corrina Tillmon (hereinafter "Applicant"), and hereby opposes such registration.

LS&Co. is a Delaware corporation with its headquarters and principal place of business at Levi's Plaza, 1155 Battery Street, San Francisco, California 94111. Applicant is, upon information and belief, an individual with a mailing address of 1539 Sawtelle Blvd., Suite 14,

Los Angeles, California 90025. This Notice of Opposition has been timely filed. As grounds of opposition, LS&Co. alleges as follows:

1. As illustrated in the Official Gazette dated April 3, 2012, Applicant seeks to register the 515 LOVE & design mark that is the subject of Application Serial No. 85/450,089 in International Class 25 for “Athletic apparel, namely, shirts, pants, jackets, footwear, hats and caps, athletic uniforms; Athletic shoes; Bathing suits; Belts; Blouses; Boots; Boxer shorts; Caps; Children's and infant's apparel, namely, jumpers, overall sleepwear, pajamas, rompers and one-piece garments; Children's headwear; Coats; Collared shirts; Dresses; Footwear for men and women; Hats; Headbands; Headwear; Hooded sweat shirts; Jackets; Jeans; Lingerie; Nightwear; Pajamas; Pants; Rain coats; Rain hats; Robes; Scarves; Shirts and short-sleeved shirts; Shoes; Shorts; Skirts; Sneakers; Socks; Sweat pants; Sweat shirts; Sweaters; Swimwear; T-shirts; Underwear; Vests; Wristbands.”

2. LS&Co. is the owner of the distinctive trademarks 501®, 505®, 517®, and 569® (collectively the “500 Trademarks”), as reflected in the representative registrations issued on the Principal Register, which presently are in full force and effect:

<u>Trademark</u>	<u>Registration No.</u>	<u>Registration Date</u>	<u>First Use Date</u>
501	1,552,985	August 22, 1989	December 31, 1969
505	1,313,554	January 8, 1985	June 27, 1983
517	1,319,462	February 12, 1985	June 27, 1983
569	2,503,976	November 6, 2001	May 1, 1998

The above registrations are incontestable under 15 U.S.C. § 1065, as shown by the records of the United States Patent and Trademark Office. True and correct copies of these

Registrations are attached as Exhibit A. Since at least as early as the first use dates listed above, LS&Co. continuously has used its 500 Trademarks on jeans and pants. In addition, LS&Co. has -- without registration of each individual mark it has used -- used many other three digit, 500 series marks within its family of 500 Trademarks to identify other styles of its casual apparel products.

3. LS&Co.'s 500 Trademarks and other uses of 500 series trademarks are all undisputedly prior to the 515 LOVE & design mark proposed by Applicant. LS&Co.'s first uses all long precede the date of Applicant's intent to use application for the 515 LOVE & design mark and Applicant's date of first use, if any.

4. Since adoption and first use of LS&Co.'s 500 Trademarks, LS&Co. continuously has marketed and presently is marketing its goods nationwide. LS&Co.'s goods are identified as originating from LS&Co. through the display and advertising -- by LS&Co. and retailers selling its products -- of LS&Co.'s 500 Trademarks. LS&Co. has expended and continues to expend substantial time, money, and effort promoting its 500 Trademarks to identify LS&Co. as the source of the goods displaying the marks. As a result, the public has come to recognize LS&Co. as the source of goods displaying the 500 Trademarks.

5. By virtue of its long use and promotion of the 500 Trademarks and the high quality of its goods, LS&Co. has gained a valuable reputation for its 500 Trademarks and has developed exceedingly valuable goodwill with respect to those marks.

6. Registration of Applicant's Mark will lead the public to conclude, incorrectly, that Applicant is or has been, and Applicant's goods displaying the mark are or have been, authorized, sponsored, or licensed by LS&Co. Issuance of any registration to Applicant for the

mark at issue is therefore contrary to the provisions of 15 U.S.C. § 1052(a) and will result in damage to LS&Co. and the public.

7. Applicant's Mark is deceptively similar to LS&Co.'s 500 Trademarks so as to cause confusion, or to cause mistake or to deceive the public as to the origin of Applicant's goods bearing that trademark, to the harm and damage of LS&Co. and the public. Therefore, registration of Applicant's mark is prohibited by 15 U.S.C. § 1052(d).

9. LS&Co.'s 500 Trademarks are distinctive and famous within the meaning of 15 U.S.C. § 1125(c), and were famous before Applicant filed the Application at issue and before Applicant began use, if any, of the 515 LOVE & design mark. Applicant's Mark has or is likely to cause dilution of the distinctive quality of LS&Co.'s 500 Trademarks, in violation of 15 U.S.C. § 1125(c), to the harm and damage of LS&Co. and the public. Therefore, registration of Applicant's mark may be refused under 15 U.S.C. §§ 1052 and 1063(a).

10. Registration of Applicant's Mark would constitute prima facie evidence of the validity of such registration, Applicant's ownership of the mark, and Applicant's exclusive right to use the mark pursuant to the provisions of 15 U.S.C. § 1057(b). Such registration would be a source of damage and injury to LS&Co. and the public, and would be contrary to the principles of registration set out in 15 U.S.C. §§ 1051 *et seq.*

WHEREFORE, LS&Co. prays that this Opposition be sustained, and that registration to Applicant for the 515 LOVE & design mark covered by Application Serial No. 85/450,089 be denied.

Please direct all notices, pleadings and process regarding this matter to:

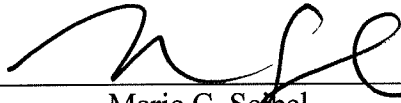
Marie C. Seibel, Esq.
Kilpatrick Townsend & Stockton LLP
Two Embarcadero Center, 8th Floor
San Francisco, CA 94111-3834
Telephone: (415) 576-0200
Facsimile: (415) 576-0300
Email: mseibel@kilpatricktownsend.com
aphillips@kilpatricktownsend.com
choffman@kilpatricktownsend.com

Respectfully submitted,

KILPATRICK TOWNSEND & STOCKTON LLP

Dated: October 1, 2012

By: _____



Marie C. Seibel
Attorneys for Opposer
Levi Strauss & Co.

Kilpatrick Townsend & Stockton LLP
Two Embarcadero Center, 8th Floor
San Francisco, CA 94111-3834
Telephone: (415) 576-0200
Facsimile: (415) 576-0300

CERTIFICATE OF SERVICE

I hereby certify that on October 1, 2012, I served the foregoing **NOTICE OF OPPOSITION** on the parties in said action by depositing a true copy thereof with the United States Postal Service as first class mail, postage prepaid, at San Francisco, California, enclosed in a sealed envelope addressed as follows:

Caroline L. Keller
Keller Patent and Trademark Law
539 24th Street
Manhattan Beach, California 90266-2206

Dated: October 1, 2012

By: 
Christiana Hoffman

EXHIBIT A

Int. Cl.: 25

Prior U.S. Cls.: 22 and 39

Reg. No. 1,552,985

United States Patent and Trademark Office

Registered Aug. 22, 1989

Corrected

OG Date Apr. 19, 2011

TRADEMARK
PRINCIPAL REGISTER

501

LEVI STRAUSS & CO. (DELAWARE
CORPORATION)
1155 BATTERY STREET
SAN FRANCISCO, CA 94111

FOR: JEANS , IN CLASS 25 (U.S. CLS.
22 AND 39).

FIRST USE 0-0-1893; IN COMMERCE
0-0-1898.

SER. NO. 73-768,165, FILED 10-24-1988.

*In testimony whereof I have hereunto set my hand
and caused the seal of The Patent and Trademark
Office to be affixed on Apr. 19, 2011.*

Int. Cl.: 25

Prior U.S. Cl.: 39

United States Patent and Trademark Office

Reg. No. 1,313,554

Registered Jan. 8, 1985

TRADEMARK
Principal Register

505

Levi Strauss & Co. (Delaware corporation)
1155 Battery St.
San Francisco, Calif. 94106

For: PANTS, in CLASS 25 (U.S. Cl. 39).
First use Jun. 27, 1983; in commerce Jun. 27, 1983.

Ser. No. 440,370, filed Aug. 22, 1983.

STEWART J. BELLUS, Examining Attorney

Int. Cl.: 25

Prior U.S. Cl.: 39

United States Patent and Trademark Office

Reg. No. 1,319,462

Registered Feb. 12, 1985

TRADEMARK

Principal Register

517

Levi Strauss & Co. (Delaware corporation)
1155 Battery St.
San Francisco, Calif. 94106

For: PANTS, in CLASS 25 (U.S. Cl. 39).
First use Jun. 27, 1983; in commerce Jun. 27, 1983.

Ser. No. 440,371, filed Aug. 22, 1983.

LUCY A. MARINO, Examining Attorney

Int. Cl.: 25

Prior U.S. Cls.: 22 and 39

United States Patent and Trademark Office

Reg. No. 2,503,976

Registered Nov. 6, 2001

**TRADEMARK
PRINCIPAL REGISTER**

569

**LEVI STRAUSS & CO. (DELAWARE CORPORATION)
1155 BATTERY STREET
SAN FRANCISCO, CA 94111**

FIRST USE 5-0-1998; IN COMMERCE 5-0-1998.

SER. NO. 76-150,442, FILED 10-17-2000.

FOR: JEANS AND PANTS, IN CLASS 25 (U.S. CLS. 22 AND 39).

BILL DAWE, EXAMINING ATTORNEY